



Focus on Rainwater Collection and Water Right Permitting

from Ecology's Water Resources Program

Increasing numbers of people around Washington State are considering the use of rainwater to meet some of their water needs. This has raised questions about whether a water right permit is required to collect and use rainwater.

Rainwater is a water resource of the state

State law defines water resources as "all water above, upon, or beneath the surface of the earth, located within the state." (RCW 43.27A.020) Rainwater is therefore legally considered a water resource of the state.

The Department of Ecology manages the State's water resources. In order to use the waters of the state, you are required to get permission from Ecology in the form of a water right permit.

Rainwater could therefore be regulated by Ecology. However, Ecology recognizes that rainwater collection has many benefits and that regulating the use of small amounts of rainwater was probably not the intention of existing laws. Therefore, Ecology is currently not requiring a permit for small (*de minimus*) uses of rainwater.

Small uses will not require a permit

The key distinction here is small, *de minimus* uses. The difficulty surrounding the permitting requirements for rainwater collection lies in differentiating between the small systems that should not require a permit and the large systems that impact existing water rights or harm the environment. The impact of large systems can depend on their size and location, or the number of systems in a particular area.

Defining the line between small uses that should be permit-exempt and large systems that should not has been the sticking point in the rain barrel legislation attempted in past legislative sessions.

Benefits of rainwater collection

Rainwater collection is valued for its many benefits, such as:

- reducing polluted runoff,
- providing an alternative to fresh water supplies for non-potable uses like irrigation and toilet flushing, and
- reducing the impact on over-taxed ground and surface water sources.

Ecology recognizes the benefits of rainwater collection and agrees that many uses of rainwater are consistent with good management.

Regulating rainwater users

Ecology is directed by law to protect existing water rights and water resources. Ecology could respond to any complaints of harmful effects from your rainwater use.

For more information: To find out how rainwater collection is being handled in San Juan County, visit Ecology's Web site at: http://www.ecy.wa.gov/programs/wr/nwro/sjc_rwc.html

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